

**.1 RCA Eligibility Factors**

- .11 Requirements of categorical relatedness applicable to the CalWORKs program are waived for assistance under RCA (see Section 69-202.41) and aid shall be granted without regard to the presence of children, age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (Section 69-205.24); refugee status (Section 69-202.1); income and resources (Section 69-206); attendance in an institution of higher education (Section 69-205.4); and registration, employment and employment-directed educational/training requirements (Section 69-207). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible VOLAG.

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.2 Eligibility Determination

CalWORKs program forms shall be used for eligibility determination, unless alternate forms are approved by CDSS for use by the CWD.

.21 The eligibility of each RCA applicant shall be determined as promptly as possible within no more than 30 days from the date of application.

.211 The date of application is the date to use for the beginning date of RCA.

.22 Counties shall not deny RCA applicants cash assistance based on the applicant's refusal to disclose his/her social security number.

.221 Counties may request that an RCA applicant voluntarily provide his/her social security number. If a county selects to make this request, it must:

(a) Inform the applicant the disclosure is voluntary; and

(b) Tell the applicant how the county will use the number.

.23 CWDs shall make available to RCA applicants the written policies of the RCA program, including agency policies regarding eligibility standards, the duration and amount of cash assistance payments, the requirements for participation in services, the penalties for non-cooperation, and client rights and responsibilities to ensure that refugees understand what they are eligible for, what is expected of them, and what protections are available to them. The CWD shall ensure that agency policy materials and all notices required are made available in written form in English and in appropriate languages where a significant number or proportion of the recipient population needs information in a particular language. For refugee groups that make up only a small number of the recipient population, CWDs, at a minimum, shall use an alternative method, such as verbal translation in the refugee's native language, to ensure that the content of the policies is effectively communicated to each refugee.

.24 Time-Eligibility

.241 Eligibility for RCA is limited to the number of months required in Section 69-202.41 following the refugee's date of entry in the United States. The month of entry, as indicated on the USCIS Form I-94, is counted as the first month. Time-eligibility exceptions to this provision include asylees who are eligible for RCA beginning on the date they are granted asylum, victims of a severe form of trafficking who are eligible for RCA beginning on the date they are certified by the ORR; eligible family members of certified trafficking victims who are eligible for RCA from the date of entry into the U.S. or the date of the Derivative T Visa is issued if already present in the U.S.; and unaccompanied refugee minors (Section 69-213) who are not subject to the time-eligibility limitation.

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- (a) A refugee who is within the number of months required in Section 69-202.41 following date of entry in the United States is referred to as a RCA time-eligible refugee for purposes of RCA.
- (b) A refugee who has lived in the United States for more than the number of months required in Section 69-202.41 is referred to as a RCA time-expired refugee.
- (c) Children born in the United State of refugee parents (Section 69-202.3) shall be considered time-expired based on the most recently arrived parent's expiration date or at the end of the number of months required in Section 69-202.41 from the child's birth date, whichever occurs sooner.
- (d) The month of arrival, as indicated on the USCIS Form I-94, or the month of birth is counted as the first month in determining time-eligibility.
- (e) RCA time-expired refugees shall be aided under other federal, state and/or county-funded programs, if otherwise eligible.

.22 Repealed by Manual Letter No. SP-02-01, effective 2/1/02.

.3 Assistance Units, RCA Only

.31 Assistance Units shall be established as follows:

.311 Parents and their children under 18 years of age shall be in the same assistance unit.

.312 Single adult refugees and minor refugees emancipated pursuant to state law shall each be established in their own assistance unit.

.313 Married couples without children shall be in the same assistance unit.

.314 Unemancipated minor refugees shall not be established in their own assistance unit.

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.4 Full-time Student in an Institution of Higher Education

| .41 Full-time students in a college program in an institution of higher education are not eligible for RCA.

.411 A full-time student is a student attending an institution of higher education at least:

- | (a) 12 semester hours or 12 quarter hours per academic term in those institutions using standard semester, trimester or quarter hour systems;
- | (b) 24 semester hours or 36 quarter hours per academic year for institutions using credit hours to measure progress but not using semester, trimester or quarter systems, or the prorated equivalent for programs of less than one academic year;
- | (c) 24 clock hours per week for institutions using clock hours;
- (d) The following formula for those institutions using both credit and clock hours: If the sum of the following fractions is equal to or greater than one - the number of credit hours per term divided by 12 plus the number of clock hours per week divided by 24;
- (e) A series of courses or seminars which equal 12 semester hours or 12 quarter hours in a maximum of 18 weeks; or
- (f) The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic workload of a full-time student.

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.412 An "institution of higher education" is a:

- (a) Public or private nonprofit educational institution which provides:
  - (1) An educational program for which it awards an associate, baccalaureate, graduate, or professional degree; or
  - (2) At least a two-year program which is acceptable for full credit toward a baccalaureate degree; or
  - (3) At least a one-year training program which leads to a certificate or degree and prepares students for gainful employment in a recognized occupation; or
- (b) Proprietary institution of higher education which provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation; or
- (c) Post secondary vocational institution which is a public or private nonprofit educational institution and provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation.

.42 Refugees who are enrolled and participating in training programs offered at an institution of higher education on a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year, shall not be denied or discontinued from RCA.

.43 Refugees who are enrolled and participating in training programs offered at an institution of higher education on less than a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year in duration, shall not be denied or discontinued from RCA when attendance in classes in a college program offered at the institution results in full-time status.

.44 If an employed RCA recipient is a professional in need of professional refresher training and other services in order to qualify to practice his/her licensed profession in the United States, the training may consist of full-time attendance in a college or professional training program, provided that such training:

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- .441 Is approved as part of the individual's employability plan as developed by the CWD or its designee;
- .442 Does not exceed one year's duration (including any time enrolled in such program in the United States prior to the refugee's application for assistance. If there is no documentation available the CWD shall accept client declaration as an acceptable method for determining if the refugee has received higher education in the United States prior to application for aid); and
- .443 Is specifically intended to assist the individual in becoming relicensed in his/her profession; and, if completed, can realistically be expected to result in such relicensing.

NOTE: Authority cited: Section 10554, Welfare and Institutions Code. Reference: Section 10553, Welfare and Institutions Code; 45 CFR 400.55; 45 CFR 400.66; and 45 CFR 400.81(b); The Trafficking Victims Protection Act of 2000 (P.L. 106 - 386), Sections 107(b)(1)(A), (B), and (C); and the Trafficking Victims Protection Reauthorization Act of 2003 (P.L. 108-193).

<b>69-206</b>	<b>INCOME AND RESOURCES</b>	<b>69-206</b>
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.1 Income

Income shall be considered on the same basis as in the CalWORKs program for determining need and computing the assistance payment, except that the sponsored alien provisions as it applies in the CalWORKs program shall not be applied to RCA cases.

- .11 Any reception and placement cash received by a refugee after their arrival into the U.S. shall not be considered in determining income eligibility.

.2 Resources

Real and personal property limitations shall be those prescribed in CalWORKs program regulations, except that the sponsored alien provisions in the CalWORKs program shall not be applied to RCA cases.

- .21 Any resources remaining in the applicant's country of origin shall not be considered in determining income eligibility.

NOTE: Authority cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Section 10553, Welfare and Institutions Code.